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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,532	09/09/2008	Takehiko Kawasaki	03500.018188	1278
5514 7590 07/21/2010 FITZPATRICK CELLA HARPER & SCINTO 1290 Avenue of the Americas NEW YORK, NY 10104-3800				
EXAMINER KOLB, NATHANIEL J				
ART UNIT 2856		PAPER NUMBER		
MAIL DATE 07/21/2010		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/559,532

**Applicant(s)**

KAWASAKI ET AL.

**Examiner**

NATHANIEL KOLB

**Art Unit**

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/G6/66)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 2/27/2007 and 4/22/2010

## DETAILED ACTION

### *Summary*

1. Claims 1-11 are pending. This is a first action on the merits.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 10, and 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. **Regarding claims 1 and 11:** Claim 1 states that the "identifying means" identifies the sheet material "in accordance with a detected result of the detecting means". "In accordance with" is an ambiguous limitation. Does the apparatus identify the sheet material based on the detected result? Does the apparatus identify the sheet material by other means so long as it does not contradict the detected result? It is indefinite from the phrase "in accordance with" how the detected result is used in the identifying of the sheet material. This claim has been examined as though the identifying means uses the detected result of the detecting means to identify the kind of sheet material. Similar language is found in claim 11.
5. **Regarding claim 10:** Claim 10 also contains the language "in accordance with" and is indefinite for the same reasons.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-11 are rejected under 35 U.S.C. 102(a) as being anticipated by AKAIKE et al. (European Publication EP1286156).

8. **Regarding claim 1, 5, 6, and 11:** The adjusting assembly is taught in para. 142 and includes dehumidifying (“adjusting temperature conditions”) and humidifying (“amount of ink to be discharged”) the sheet material. The external force applying means is taught in para. 25. The detecting means is taught in para. 33-34. The identifying means is taught in para. 66-69.

9. **Regarding claims 2-4:** AKAIKE teaches both a heating mechanism in a fixation device (para. 142) and the transfer assembly in a heat transfer printer (para. 149).

10. **Regarding claim 7:** The table is taught in para. 66.

11. **Regarding claim 8:** Detecting moisture content is taught in para. 64 where he teaches incorporating humidity conditions into the information about the sheet material.

12. **Regarding claim 9:** He teaches an impact force (para. 25).

13. **Regarding claim 10:** Treating the sheet is taught in the adjustment of printing parameters explained in para. 142.

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. NOJIRI et al. (US Pub. 2003/0053090) and NOJIRI et al. (US Pub. 2003/0053089) both contain the limitations of the present application and could also be used to reject the claims contained therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHANIEL KOLB whose telephone number is 571-270-7601. The examiner can normally be reached on Mon-Fri 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NATHANIEL KOLB/  
Examiner, Art Unit 2856

/Hezron Williams/  
Supervisory Patent Examiner, Art  
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